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PATENT
Customer No. 22,852
Attorney Docket No. 5552.0953-04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mathias FIBI et al.

Serial No.: 08/897,441

Filed: July 21, 1997

For: *Erythropoietin (EPO) Peptides and
Antibodies Directed Against These*

Group Art Unit: 1642

Examiner: K. Canella

#19 11/6/02
T. Gray

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

RESPONSE TO OFFICE ACTION

In response to the Office Action of September 25, 2001, Applicants request consideration of the following arguments.

REMARKS

Claims 5-7, 9-12, and 14-23 are pending. Applicants gratefully acknowledge the Office's withdrawal of its previous rejections under 35 U.S.C. §§ 112, first and second paragraphs. The Office has reasserted its rejection of claims 6, 7, 11, and 17-21 for alleged obvious-type double patenting. Further, the Office currently rejects claims 5, 6, 11, 12, 17-20, and 23 under 35 U.S.C. § 102(b) and claim 10 under 35 U.S.C. § 103(a). Applicants address each outstanding rejection under its respective statutory section below.

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